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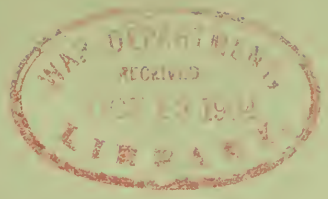


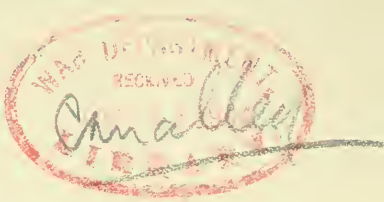
MEMOIR

OF

WILLIAM CROWNINSHIELD ENDICOTT

BY

JOSEPH HODGES CHOATE



Wm. C. Endicott

Engraved for The Centennial Society of Massachusetts
from a portrait from life

MEMOIR

OF

WILLIAM CROWNINSHIELD ENDICOTT

BY

JOSEPH HODGES CHOATE

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MEMOIR

OF

WILLIAM CROWNINSHIELD ENDICOTT, LL.D.

BY

JOSEPH HODGES CHOATE.

Massachusetts cherishes with just pride the character and career of William Crowninshield Endicott, and The Colonial Society, of which he was an active member, is especially interested in honoring and perpetuating his memory. Born in 1826, when John Quincy Adams was President, and dying in 1900, in the fourth year of William McKinley's official term, he lived in the administrations of nineteen Presidents of the United States. His seventy-three years covered the most eventful and critical period of the country's history, and during a considerable portion of his life he was engaged in the public service of the State and the Nation, in conspicuous positions, which he filled with great credit to himself and advantage to the community, and always with conscientious fidelity. In all the relations of life he commanded universal confidence by the absolute purity and dignity of his personal character.

A glance at the scenes and the circumstances of his boyhood will shed some light upon the happy development of the man. He inherited a proud name, and with it a just pride of ancestry, which he cherished through life without affectation and without suffering it in the least to impair his democratic sympathies. It was a great distinction to be the descendant and bear the name of the first Governor of Massachusetts, who was sixteen times elected to that most important office, and who stands as a great historical figure,

first in time among the founders of a noble State. His sturdy and rugged reputation, by no means fading in the lapse of time, has dominated Salem and the County of Essex down to our own day, and constitutes one of the local treasures. If the portraits of the Governor which have come down to us are to be relied upon, Mr. Endicott in the eighth generation bore a marked resemblance in feature and bearing to this distinguished ancestor. It would have been an excellent thing both for Mr. Endicott and for the State, if he too in his day and generation could have been elected Governor of Massachusetts; and I cannot help thinking that the example and career of the early Governor, of which he must always have borne some impression, was an element in the moulding and development of those qualities which enabled him in after life to fill high office with success.

The first Colonial Governor was not the only ancestor of whom he was justly proud. His lineage in all its strands can be traced back to all that was best in the early history of the Colony. The Crowninshields, the Derbys, the Gardners, the Williamses, the Putnams, and the Mannings, who had been among its prominent families from the seventeenth century, were of his line, and they had had much to do with the making of Salem and of the State. The Crowninshields and the Derbys in particular had a great part in the development of our early American commerce, when Salem ships, owned and navigated by them, penetrated to the remotest quarters of the globe, and made the little town a great commercial port and her name known the world over. They were pioneers of trade and commerce in the Far East, where they carried in honor, upon ships of their own building, the flag which has now, for a time only let us hope, practically disappeared from the ocean, and they brought home great cargoes which enriched themselves and the place of their residence. Mr. Endicott's maternal grandfather, Jacob Crowninshield, was a very conspicuous man, a prominent member of Congress, and was appointed Secretary of the Navy by President Jefferson, who was a close personal friend, — an honor which he declined for what seems now, in these days of steam and electricity, the very singular reason "that he could not be absent all the year from his business and family." He was a great navigator and merchant and was fully equipped on all questions which would have come before him as Secretary of the Navy, an office to

which his brother Benjamin W. Crowninshield, a man of the same quality, was ten years afterwards appointed by President Madison. It was in sympathy with this sea-faring and ship-owning branch of his family that Mr. Endicott in after years was such a firm advocate of the doctrine that the restoration of its once powerful mercantile marine was essential to the true greatness of the United States, and ought to be accomplished at whatever cost. Thus the subject of this memoir came, through many generations, of the best stock and breeding of Massachusetts. As might have been expected, the quality and the fibre of his natural character were worthy of the best nurture and education which his time afforded, and these produced the high-toned and cultivated gentleman, the public-spirited citizen, the wise judge, and the pure and safe statesman whom the world knew.

Salem was a unique and interesting community in those days. She had lost or was fast losing her commercial supremacy, but the descendants of her ambitious navigators and successful merchants were enjoying in the second and third generations the fruits, and the best fruits, of their success. A highly intelligent and cultivated society had grown up there, with an aristocratic leadership into which the Endicotts naturally came. Wealth, travel, and education had contributed to its culture and progress. There was probably more wealth and there certainly were more college graduates, in proportion to the population, than in any other town of New England. It was a conspicuously intellectual community. A few of the great merchants still lingered among us in advanced years, and the sons and daughters of many who had passed away occupied their places and enjoyed the good results of their fortunes. The professional men, who abounded in numbers and character, had great weight and gave the tone to the civic community. The Essex Bar was still a powerful fraternity and its most distinguished members resided in Salem. Her physicians and clergymen and men of science and learning occupied worthy and influential positions. Horace Mann was arousing enthusiasm for popular education. The atmosphere of the place was decidedly liberal. Harvard College and the Unitarian movement had broken the back of that hateful, dogmatic theology which, in the days of Salem Witchcraft and its high priest Cotton Mather, had disgraced the place and given it an unwholesome reputation. At the same

time, there was a distinct individuality about the town. It was shut in and quite apart from other towns and cities, and the life of the place was all contained within itself, so that whatever happened in Salem or ever had happened in Salem was of supreme importance to its citizens. Communication with the outer world was extremely limited. Endicott was eleven years old when the railroad first reached Salem from Boston. The semi-weekly press supplied the local news of the day, but brought very tardy intelligence as to events beyond the limits of Essex County; and so the people of Salem had to be, and were, sufficient unto themselves. The habits of the place were extremely simple. Until the murder of Captain Joseph White, in 1830, it was not uncommon to leave the house door unlocked and unbarred. The police force of the town consisted of two maimed veterans, and there was still a great deference among the people towards the leading citizens.

Fortunate was the boy whose lot was cast in Salem in those days. All his surroundings tended to keep him in the right path, and the facilities for a liberal training were of the best. I remember Endicott, a bright, handsome, and extremely courteous and agreeable boy, in 1840 or thereabouts, when he began to prepare for Harvard at the Latin School, a public school strictly devoted to preparing boys for college, where nothing but Latin, Greek, and Mathematics was taught. This school has come down from the very earliest days of the Colony. It was founded in 1637 and furnished to the first class that graduated from Harvard, in 1642, at least one man who afterwards became distinguished on both sides of the Atlantic. The discipline was severe and absolutely equal. It was a strictly democratic community, and it is certain that every boy found there his level and learned to realize that all are made of one flesh and one blood. Every year the school sent to Harvard a group of boys well prepared and proud of their nativity, who in numbers and standing held no mean place in the small classes of those days.

Harvard College, when Endicott entered it in 1843, was hardly more than the germ of the great and powerful University which now exists at Cambridge. The whole number of students, less than three hundred, did not equal the number of teachers now employed. There was a mere handful of professors and tutors. The curriculum in the first quarter of the century had not changed

much since the days of our fathers. The four old dormitories, Massachusetts, Hollis, Stoughton, and Holworthy, Harvard, University and Gore Halls, and Holden Chapel constituted the entire plant. The method of tuition varied little from that pursued in the preparatory schools, consisting chiefly of learning by rote and reciting lessons, with a very few lectures. Examinations were little more than nominal and were oral; the modern system of cramming, unloading and forgetting, had not come in; the elective system had not begun; the stimulating influences and remarkable facilities now enjoyed were unknown. For all this, it is hardly yet possible to say that the new methods are producing a set of men sounder and abler and more efficient for the service of the community than the old. Comparing the graduates from 1820 to 1850 with those from 1850 to 1880, — while the latter group far excels the former in numbers, it can hardly be said to have produced men superior in quality or in distinction. The social advantages of those days were great, an admirable class feeling prevailed, there was very close friction man with man, and each one found his place. At any rate, Harvard then furnished the best that America afforded, and Endicott got the full benefit of it. He appears not to have been a very hard student, but improved his time in acquiring a knowledge of books and of general literature, which stood him well in hand as a great reader in his subsequent laborious life. Among the meritorious students of the Class, he stood in the third grade and at Commencement he delivered a disquisition on Public Honors in Different Ages. Although he was not a member of the Phi Beta Kappa at graduation, he was, in 1858, elected into that society of scholars. In the four years of his residence at Cambridge, he acquired an ardent love of the College as a centre of learning and culture, in which his own intellectual life had been nourished, and a high appreciation of its value as one of the chief factors in the promotion of American civilization. This made him through life the devoted servant of his Alma Mater, and the important part which he took in the care of her interests and the development of her usefulness, resources, and influence, entitles him to the grateful recognition of his countrymen, quite as much as the more public service which he rendered in conspicuous official stations.

The actual and rapid development of the ancient College into

the great University, which now leads the educational forces of the United States, began in 1869 with the election of President Eliot, who with a courage, wisdom, concentration of purpose and fertility of resource entirely unsurpassed, has conducted its affairs and brought it, by the devotion of a long life to its service, to its present commanding position. During a large part of this long period, Mr. Endicott was honorably connected with the government of Harvard, and by careful and skilful attention to its welfare upheld the arms of the President, and had a full share in the great work of progress which Mr. Eliot designed and accomplished. In 1875 he was elected a member of the Board of Overseers for two years, and again in 1876 for six years more, and a third time in 1883 for a further term of six years. On Commencement Day, 1882, the Degree of Doctor of Laws was conferred upon him "in glad recognition of his attainments, station, and influence," — an honor which I am sure he enjoyed as much as any distinction which ever came to him. In 1884 he was elected a Fellow of the Corporation, and, withdrawing from the Board of Overseers, as the positions were incompatible, he continued for eleven years, until September, 1895, to discharge the important and responsible duties of a member of the Corporation which really controls the destinies of the University. In recognition of his loyalty he was elected President of the Alumni. Thus for twenty years he served the University with unfailing devotion. The value of his long and close attention to its interests could not be better expressed than by the Resolution passed by his associates on the occasion of his resignation, because of failing health, in 1895, — a resolution which certainly received the cordial approval of all the Alumni.

The Board desire to record their sense of the high value of Judge Endicott's service to the University, and their regret at losing his support in the discharge of their trust. He brought to the service of the University an honored name, professional distinction, and a high reputation in the community for impartiality, dignity, and firmness.

The members of the Board will greatly miss at their meetings not only these rare personal possessions, but also his sincere friendliness and the charm of his courteous, cordial manners.

I have thus surveyed by itself the history of his relations with Harvard from the date of his entry in 1843 until his withdrawal

from the Corporation in 1895, a period of more than half a century; and this I have done quite in advance of any reference to his professional and political services, because to my mind it is fully as important as the rest, and because it shows in a clear light what manner of man he was, — a typical Harvard man of the highest grade, who received and enjoyed all the benefits and honors which the College had to bestow, and who, in glad and grateful recognition of the nurture he had received within her walls, revelled in her success and through a long life did all he could to promote it. Whoever knows Massachusetts well, knows that such a man must have been of her very best.

When Mr. Endicott was approaching the end of his college course, the choice of a profession naturally presented itself and the charms of a commercial career were pressed upon him. Great opportunities in Eastern commerce, in which Salem and his friends had still a strong interest, were held out to him, but his tastes lay in the direction of law and literature and the possibilities of political life which the profession of the law might open to him, as it has always been the chief avenue to public life in America. The thirst for wealth which has become such an absorbing and voracious appetite in these last days had never fastened upon him, and he wisely chose the professional career in which he could by no possibility hope to become rich, but for which his natural faculties and inclinations so admirably suited him. Having completed his legal studies with Nathaniel J. Lord, a noted and very accomplished advocate of that day, and at the Harvard Law School, he was admitted to the Bar in Salem in 1850, and immediately began the practice of the profession which requires of those who would win its highest prizes more patience, industry, and self-denial than any other calling; but he had good health, a reasonable ambition, strength of will, and great tenacity of purpose, and soon won his way to a successful practice. There were still giants at the Essex Bar in those days, and some of those great advocates who had won their first fame there and afterwards moved to wider spheres of activity, occasionally returned to share in its conflicts. The local contestants had among them many very powerful men, with whom Mr. Endicott was soon called to contend, and in a long career of more than twenty years he not only held his own, but gradually and steadily came to the front, so that at the time he was called to

the Bench he was without a superior at the Bar of Essex, which he had so long adorned.

During the early years of his practice it was occasionally my privilege to hear him try and argue cases, especially before juries in the Salem Court House. He had not yet come to the full maturity of his professional strength, and was not engaged in the larger cases of which he afterwards commanded a full share, but he possessed and exhibited the prime qualities of successful advocacy. Thorough preparation, unvarying coolness, and great readiness were of course his, but what always seemed to me to be his distinguishing characteristics, were his transparent honesty and fairness and his extreme and uniform courtesy. The tricks of the trade had no charms for him. Both Judges and Juries believed what he said. They knew they could trust him, and so they put their confidence in him. Where he ought to win he won, and I do not believe that he ever regretted losing a case that he ought to have lost. At the same time the charm of his manner, his winning presence, his clear and agreeable voice, and his unruffled calmness conciliated the good-will of all, and made it difficult for more boisterous or less scrupulous advocates to get the better of him; and all the while he was qualifying himself without knowing it for the eminent place to which he was at last unexpectedly called, and became a thorough master of the law. There was no luck in his success at the Bar; there seldom is. Patronage did not help him; there was no patronage. Clients wanted always the man who could best take care of their interests, and gradually they more and more resorted to him. His character told strongly in his favor in the race for success, and his naturally good and sound judgment and common sense, strengthened by study and legal training, made him a favorite professional adviser.

These were twenty-three years of stern and strenuous toil and rigid self-denial, of which the advocate's life is always full, leaving him but little time to indulge in literature which he loved. Reading was his pastime and recreation. There was very little opportunity for sport in those days in Essex County, — sport which does so much in England for the professional man, and is now beginning to do something for all sedentary men in America. The gospel of hard work was still the universal creed in New England. While he was pursuing his law study and in the very

earliest years of his professional life, he held a commission from the Governor in the militia of the Commonwealth, as First Lieutenant and afterwards as Captain of the Salem Light Infantry, the crack corps of its day; and many a time, with admiring eyes, I have seen him, looking every inch a soldier, proudly marching at the head of his little company, which in those days enjoyed great local fame. Incidentally, as time went on, politics appear to have given him some diversion, and no doubt had his professional labor been less engrossing, might have engaged his serious attention. He served several years in the Common Council of Salem and was one year its President. For many years he was elected or appointed City Solicitor, and four times he was the unsuccessful Democratic candidate for Attorney-General of Massachusetts, and once for Congress in the Essex District. I attach, and I think he attached, but little importance to these political diversions, except as they manifested his public spirit and willingness to serve the State or City when duty called, and the growing and general estimation in which he was held by his fellow-citizens. It was upon his equipment and reputation as a lawyer of the first rank, however, that his subsequent public service rested.

Mr. Endicott's preparation for judicial life, unconscious though it was, and without a thought on his part of ever being called to serve the community in that position, was constant and uninterrupted through the whole twenty-three years of his career at the Bar. The experience of the English Courts, where for centuries it has been the recognized rule to fill vacancies on the Bench by the appointment of the leaders of the Bar, has proved the wisdom of the rule and the success of the system. However improbable it might seem, *a priori*, that the advocate's contentious habit of mind, persistently and strenuously exercised for half a lifetime, could easily be laid aside and exchanged for the judicial habit and temper, long experience has demonstrated that leading and thoroughly trained advocates have generally become sound and impartial judges. Their previous mental labors have not only made them thorough masters of the law, but have also given them an extensive and far-reaching insight into human affairs in all their variety and complexity. An advocate of Mr. Endicott's keen intelligence and vigor of mind could not possibly spend a long series of years in the conduct of litigation in a homogeneous

community like Massachusetts without becoming perfectly familiar with every sort of legal question that could arise among the people, and with the entire range of subjects and facts which the solution of those questions involved. In such a practice as his, too, there was a department of work, which is in its nature judicial, — the giving of professional opinions on every kind of question that could arise in a county of widely diversified business and interests, and here Mr. Endicott excelled. The same self-reliance and independence of judgment, which, added to his innate spirit of justice, went so far to explain his success at the Bar, made his professional opinions worth having and acting upon. His mind was proof against the insidious temptation which sometimes induces the lawyer to lean towards the opinion that is needed or desired by the party who consults him, and to convince himself unconsciously on the side of his retainer. It was not in his nature and character to yield to such a temptation. His written opinions while he was at the Bar were really judicial, and we are not surprised to learn from the highest authority[1] that "some of [them] upon difficult questions . . . had a weight scarcely less than that accorded to the decisions of [the Supreme Judicial Court.]"

Thus we find Mr. Endicott at the age of forty-six in the very prime of life, full of health and vigor of body and mind, foremost in the forensic arena of his neighborhood, and admirably qualified in mind, character, manners, temper, and experience to be a good and useful Judge. Had he lived in a jurisdiction where the Judiciary is elective by the popular vote, the chances would have been ten to one at least against his ever being made a Judge. He had never curried popular favor or coveted applause, he had been diligent in his business to a degree that made it impossible to keep himself in evidence before the people, even had he desired it; he scorned all the arts of the demagogue, and had never sought or thought of the position. The party to which he had belonged nearly all his life, and to which he conscientiously adhered at great personal sacrifice, was and had long been in a hopeless minority in the Commonwealth whose chief magistrate had the power of appointment; but fortunately for the administration of justice within her limits, Massachusetts has faithfully adhered to that ancient

[1] Attorney-General Knowlton.

and conservative system, of the appointment of Judges by the head of the State to hold office during good behavior, which for more than two centuries has worked well in England and for more than one has made our Federal Judiciary the stronghold of Justice and kept the judicial name above suspicion and reproach. So, when, in 1873, Governor Washburn, a Republican, appointed Mr. Endicott, a Democrat, without his knowledge or any solicitation on the part of his friends, as the best man that he could find in the Commonwealth for the office, to be one of the Justices of its Supreme Judicial Court, he gave a signal demonstration of the merits of the system, and at the same time commanded the cordial approval of the Bar throughout the State.

Though taken by surprise, Mr. Endicott promptly answered "ready," and immediately took his place in that distinguished tribunal, which from the beginning has been the crowning glory of Massachusetts, and has, perhaps, done more than any other Court except the Supreme Court of the United States to maintain the judicial purity, dignity, and power. His six associates were already eminent and experienced Judges. The work of the Court was incessant and heavy, and to assume at once his full and equal share of its labors called for the full exercise of his best powers. It has always seemed to me that while at the Bar he had considerable reserved power, and did not put forth all his strength. At any rate he did not often make those strenuous and desperate exertions which stern necessity compels from men who know that they must succeed or perish. His circumstances were comfortable and his success and leadership came easily, to a degree which convinces me that in a wider field, where the strife was harder he would still, with more of a struggle, have worked his way to a leading place, similar to that which he had attained at the Essex Bar; but now, in the Court, his judicial duties tested his powers, and demanded his full strength from the beginning. He was armed with the full panoply of justice. He was not one of those Judges who, as often happens under the elective system, have to be educated upon the Bench. He entered at once on a term of arduous labor which lasted without interruption for more than nine years, and to which he applied himself with such an earnest endeavor to do his whole duty, that at last it exhausted his health and strength, and came dangerously near terminating his extremely useful life. In

the words of the distinguished advocate [1] whom I have already quoted: —

> From the very beginning he proved himself to be an admirable Judge. His first opinion, printed upon the page following that containing the memorandum of his appointment, . . . showed the hand of a master. With scarcely an unnecessary word or phrase, and yet with a felicity of expression that never failed him, it reached its conclusions in a way that made them appear to be almost axiomatic. It was a model opinion; one of the kind that convinces even the losing side. The standard thus at once reached was consistently maintained throughout the ten years of his service. Not one of his opinions has been over-ruled.

This last statement is a signal testimony to his judicial ability, fidelity, and power of research, for the twenty-two volumes of Reports of the Court during his tenure of office contain 378 opinions written by him, upon almost every conceivable question of law, many of them involving the study and analysis of intricate and tangled questions of fact, and from first to last bringing before him for review the whole complex and multifold life of the people of a busy and enterprizing Commonwealth. This regular and severe work of hearing arguments, attending consultations, and writing opinions, was frequently interspersed with the holding of jury trials in both civil and capital cases, a service for which his admirable temper and long and varied experience as a jury lawyer had specially qualified him. Only those engaged in the profession can justly appreciate the prodigious amount of drudgery, labor, and strain, as well as of intellectual exertion of the highest quality involved in such a life, for one who, like him, was inspired with the earnest purpose to do his whole duty in the best way possible. Of course, many cases were easy of solution, but he must have had constantly on his mind the more difficult ones that required exhausting investigation and deliberate consideration, — always very wearing work. In disposing of these, he must have kept constantly in mind the necessity of living up to the traditions and reputation of the illustrious tribunal of which he was a member. The physical labor thrown upon him was no trifling matter. The age of universal stenographers and typewriters, which enables us

[1] Attorney-General Knowlton.

now to despatch twice as much business half as well, had not yet fully come, and his son tells us that his opinions were, "for the most part, in his own handwriting."

Apart from the written results of his continuous and well-sustained industry as they appear in the Reports, the testimony is harmonious and universal to his superior excellence as a Judge. His inherent natural qualities formed the basis on which his judicial character rested. He was healthy-minded and high-minded, and of adequate intellectual force and strength; he was truly learned in the law, and he had an innate sense of justice and a love of fair play which enabled him to hold the scales of justice always even. There was a dignity and repose about him, absolute impartiality, and uncommon courtesy, that made him upon the bench the ideal impersonation of Justice. It was never my good fortune to see him in the discharge of his judicial duties, and I may perhaps be permitted to quote a few words from the very sincere and affectionate tributes that were paid to him at the Bar Meeting, and in the Court immediately after his death, by those who had long been in close contact with him.

His natural open-mindedness and his essentially judicial temperament were recognized on all hands.

A more dignified, graceful, and effective presiding magistrate it has never been my fortune to see on the Bench.

The individual charm that belonged to him, the handsome presence, the refined and expressive countenance, the gracious and genial manner, only his contemporaries and professional associates can justly appreciate.[1]

His urbanity and his knowledge of men and of affairs rendered the transaction of business in his Court smooth and expeditious.

His opinions were sound and his culture and command of language lent them terseness and lucidity.[2]

To great beauty and natural grace of person were added a dignity of bearing which did not fail to impress all who came before him, and a winning courtesy of manner which attracted and charmed everyone.

He was the learned, accomplished, high-minded gentleman upon the Bench.[3]

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[1] Hon. Richard Olney.

[2] Mr. Solomon Lincoln.

[3] Mr. Lewis S. Dabney.

[In all cases,] his judgments will be found . . . satisfactory, his learning adequate, his perception of the real points clear, his grasp firm and strong, his power of statement marked, his style excellent.

His name will be enrolled amongst those whom the Bar of Massachusetts will evermore hold in respect and honor.[1]

Above all, he loved justice and right and truth and honor. . . Such a man may well be said to be born a Judge.

His sweetness of temper was proof against all irritation. . . To try a case before him afforded a distinct and peculiar pleasure, due simply to the manner in which the Judge conducted the trial.[2]

He was a gentleman, in the truest sense of the word. His work left no doubt that he was also a lawyer. And when the gentleman and the lawyer are combined in one the result is the best type of Judge.[3]

Chief-Justice Holmes well portrayed his judicial character: —

I . . . think that he represented in the superlative degree my notion of the proper bearing and conduct of a Judge. Distinguished in person, with the look of race in his countenance which in more ways than one suggested a resemblance to that first Endicott to whom Massachusetts owes so much, he sat without a thought of self, without even the unconscious pride or aloofness which seemed, nay, was his right, serenely absorbed in the problems of the matter in hand, impersonal yet human, the living image of Justice, weighing as if the elements in the balance were dead matter, but discerning and collecting those elements by the help of a noble and tender heart.

Such tributes as these from those who knew him best, uttered with evident truth and sincerity nearly twenty years after he left the bench, indicate how deep and lasting a mark he had left upon the profession. He was an eminently good, wise, and useful Judge, and ranks high in the long list of the members of the Court who have made it so eminent among American tribunals. His heart was in his work and his conscience too, and he appears to have been singularly free from judicial faults that are not uncommon. He had none of that impatience which leads some judges to interfere and take the case out of the hands of counsel, before the trial or argument has fairly begun, as if they knew it all better than those who were responsible for its conduct and had made it

[1] Hon. Charles Allen. [2] Mr. Causten Browne. [3] Attorney-General Knowlton.

the subject of protracted study. He respected the rights of the Bar as carefully as he maintained the dignity and authority of the Court, and was never dictatorial or domineering. His nerves and temper were always well in hand, so that he was never peevish or petulant. He never sought by the exercise of his judicial functions to win applause or attract popular favor, but was content and anxious only to do justice. Remembering the shortness of life and the value of time, he did not overload his opinions with superfluous quotations from authorities and precedents, but expressed his reasons with brevity, clearness, and force, and so carried conviction and left his decisions worthy models for imitation. The one pre-ëminent trait which made him a marked man among his fellows, at the Bar or on the Bench, was his charming courtesy and attractive dignity of manner, which made him a universal favorite in Court, so that whether he was conducting a trial or argument as counsel, or presiding in the tribunal of which he was an ornament, he was a fine example of the finished and perfect gentleman. It was no light measure of praise when the Chief-Justice [1] said of his manners that "his example has prevailed, and that now it is the rule that a lawyer will try his case like a gentleman, without giving up any portion of his energy and force."

I have dwelt at considerable length upon his judicial career, because to my mind the office and the service of the Judge are the highest and noblest that man can exercise upon earth, and in his hands they suffered no detriment. He wore the ermine gracefully and transmitted it as spotless as he received it. Judge Endicott very closely resembled the ideal judge as portrayed by Rufus Choate in his celebrated address on the Judicial Tenure: —

> A man towards whom the love and trust and affectionate admiration of the people should flow; . . . one to whose benevolent face, and bland and dignified manners, and firm administration of the whole learning of the law, we become accustomed; whom our eyes anxiously, not in vain, explore when we enter the temple of justice; towards whom our attachment and trust grow even with the growth of his own eminent reputation.

The strain of his faithful and unremitting labor, in the tenth year of his service, resulted, as too often happens, in broken health and

[1] Hon. Oliver Wendell Holmes.

shattered nerves, and compelled him, against the earnest protest of all his colleagues, to send his resignation to the Governor,[1] whose response well expressed the judgment of the State for which he spoke: —

> It is with the greatest reluctance and only upon conviction that your determination is final that I accept your resignation of the office of Justice of the Supreme Judicial Court. I express the unanimous sentiment of the Commonwealth when I say I regret the loss to Massachusetts of your learning and wisdom, and express the hope that you may soon be restored to health and to the judicial service which you have so long adorned.

This remission of labor was timely, and after a year or two of repose and travel he returned to Massachusetts restored in health, with much capacity for future service, though never so robust as of old.

Mr. Endicott was never a politician and with all his charming manner and attractive personality he never cultivated those arts which win popular favor and applause. As we have seen, he had often been a candidate for Attorney-General and once for Congress, but these nominations were not of his own seeking and he probably never lifted his voice or hand to secure votes. His party in the State had long been sadly demoralized, but the nomination of Mr. Cleveland for the Presidency in 1884 roused it to new activity, and its convention at Worcester unanimously insisted upon nominating Mr. Endicott for the high office of Governor. No office could possibly have been more attractive to him, and there was no man in the State who would have more fitly adorned it. It must have touched and awakened, I will not say the desire, but rather the dream which he must have cherished, of the possibility of filling the place which his renowned ancestor had so worthily filled. Nothing could be more captivating than the idea of such an hereditary succession by the will of the people after an interval of seven generations; but whether it was that he distrusted his recovered health, or shrank from the uncongenial pursuit of a hotly contested and extremely doubtful campaign, he at first refused the nomination which was thrust upon him by the Convention in —

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[1] Hon. John D. Long.

merited recognition of his life-long devotion to Democratic principles, his fidelity to all the public trusts he had assumed, and the dignity, honor, and rectitude that had always marked his intercourse with his fellow-men.

But being finally persuaded that his candidacy might help the election of Mr. Cleveland, in whose behalf he was warmly enlisted, he, much against his will, accepted the nomination upon the rare but highly characteristic condition that he should not be required "to take the stump." His acceptance was an acknowledged tribute to the "honesty, fidelity, courage, and patriotism of the national candidate."

Attracted by his loyal devotion to the principles in support of which he had himself been elected, while Endicott had been defeated, Mr. Cleveland, though personally a stranger to him, in considering the composition of his Cabinet, in February, 1885, invited him to Albany and offered him the position of Secretary of War. Upon full consideration of the responsibilities and sacrifices which the position would exact, and in the same spirit in which he had led the party in Massachusetts, he accepted the office, which he filled acceptably and to the public advantage for four years from the fourth of March, 1885. It was well for him that the office in that period of peace and tranquillity did not impose upon him the colossal duties and difficulties that have lately rested upon the stalwart shoulders of his successor, the present incumbent. The routine of the Department in those days, though exacting, was uniformly quiet, and his health and strength proved entirely adequate to the highly creditable and useful discharge of every duty cast upon him.

The only fighting which the United States Army had to do during his administration was in the suppression of Indian outbreaks, and the last of the considerable Indian fights ended happily in 1886 with the final defeat of the Apaches and the capture of their chief, Geronimo, who had given infinite trouble.

He contributed to the Cabinet and Administration of Mr. Cleveland, an element of great refinement and culture, the charm of his attractive personality, social gifts of a high order, great wisdom in counsel, purity of character which commanded the confidence of the approving Nation, and a loyal support and encouragement to

all the earnest efforts of his chief for the reform of the public service and the maintenance of the national credit and dignity, and we have the cheerful and emphatic testimony of the present distinguished Secretary of War, that the position which Mr. Endicott held in the Cabinet —

> though foreign to his training, he immediately rendered conspicuous by strict attention to duty, and a keen interest in the Army and its requirements. . . He initiated many important reforms which, pressed to successful conclusion, enabled him to maintain undiminished that high standard of integrity for which the Department of War has ever been distinguished.

It would not be useful here to detail or to summarize the many important subjects of a technical nature which engaged his attention as Secretary of War and which have passed into the history of the army and the country; but as indicative of his faithful support of Mr. Cleveland's efforts to promote the stability of the civil service, it is worthy of special notice and remembrance that out of a total of 1619 employees of the War Department and its bureaux, whom he found when he took office, all of whom had been appointed by the opposite political party, he made, in the four years of his tenure of office, only thirteen removals except for cause or for the reduction of the force.

He took a vivid and constant interest in the Academy at West Point, as the invaluable nursery of military education, upon which the good name of our Army and its officers must always depend, and his addresses to its graduating class from year to year were patriotic and stimulating. With persistent energy and zeal he initiated many re-organizations and reforms of bureaux and departments of the Army Service, the beneficial results of which are permanent and of great utility. The Board of Fortification and other Defences, created by an act of Congress on the day before he took office, to devise measures for the defence of the coast and harbors and seaboard cities and which is known as the Endicott Board, cast upon him, as Chairman, most laborious duties, and established the policy according to which our coast defences are now maintained out of large appropriations made for the purpose. His four annual reports to Congress disclose an enormous amount of detail work most faithfully done.

Judge Endicott was a good speaker, and on the few occasions which enlisted his sympathies and on which he permitted himself to be drawn upon for such service, he delivered excellent discourses. His elaborate and sympathetic addresses in 1869, at the dedication of the Museum of the Peabody Academy of Science in Salem, and in 1878, on the two hundred and fiftieth anniversary of the landing of John Endicott, commanded great attention, and their perusal discloses an intimate acquaintance with the local history of his native city and county and a deep interest in the development of New England. Besides his devotion to Harvard College, his interest in the cause of education was manifested by his service as a Trustee of Groton School and of the Peabody Education Fund.

After his retirement from the Cabinet in 1889, he resumed the practice of his profession in Boston, in a quiet and dignified way. His advice and services were eagerly availed of by many important interests, which he served as long as his waning health permitted, till at last, worn out by his long course of professional and public service, he retired to his country seat at Danvers, where, surrounded by scenes that had been familiar to his great progenitor, and in the enjoyment of all that should accompany old age, he passed the evening of his days in dignified repose.

Such a sketch as this that I have attempted, of one whose career was for the greater part of it conspicuous in the eyes of his fellowmen, might, perhaps, remain without reference to that inner life, known only to his family and his friends and guarded by himself as something too intimate and sacred for other eyes to penetrate. And yet, in his case, the memorial must be very incomplete which fails entirely to notice this side of his existence.

The strategy of a soldier, the invention of an author, the policy of a statesman may be, and often have been, independent of the circumstances of their domestic life and even of their private character; but William Endicott was through all, and above all, a great gentleman; and he could not have been this, had his innermost thoughts and most intimate surroundings been other than they were.

So I will say, in few words, that no man has ever been more beloved by those nearest to him, none has had warmer friendships and kept them longer unchanged, and none has had greater power of attracting and giving sympathy in his intercourse with all sorts

and conditions of men. Joined to the reserve, which was so marked a part of his nature, were a keen appreciation of character and a kindly sense of humor that won for him the affection and respect of all with whom he was brought into contact. The old Yankee farmer, the country lawyer, the little tradesman in the town were as much at home with him as the most cultured writer and distinguished jurist whose friendship he had made among the first men of his time both in America and in Europe.

To all alike his dignified simplicity and tolerant humanity equally appealed; and, while the most learned and cultivated found in him a refined and delicate intelligence, the loving regard of humbler minds was not less surely attracted by his generous sympathy and transparent honesty.

And so he passed away, keeping clean to the end the unstained record of his ancestors, and leaving behind to his family and his friends the memory of a pure, an upright, and an unselfish life. Whether we regard him as lawyer, judge, statesman, or citizen, he commanded the respect and affection of his own generation, and his memory should be handed down to those who come after us as a model for the Americans of the future.

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